

IN THE UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:) Case No. 15-70120-JAD
)
Perfetti Trucking, Inc.,) Chapter 11
)
Debtor)

Bankruptcy Estate of Perfetti)
Trucking, Inc., by and through Perfetti) Doc. No. 85
Trucking, Inc., Debtor-In-Possession,) Related to Doc. No. ____
)

Movant)

v.)

Hearing Date & Time:
May 20, 2015 at 10:00 a.m.

)
Indiana County Tax Claim Bureau;)
Indiana County; Blairsville-Saltsburg)
School District; Township of Burrell;)
and Marion Center Bank,)

)
Respondents)

ORDER CONFIRMING SALE OF PROPERTY
FREE AND DIVESTED OF LIENS

This 20th day of May, 2015, on consideration of the Bankruptcy Estate of Perfetti Trucking, Inc., by and through Perfetti Trucking, Inc., Debtor-In-Possession's *Motion for Sale of Property Free and Divested of Liens* to PGD II, One PGT Way, Monaca, Pennsylvania 15601 for \$800,000.00, after hearing held in Courtroom B this date. Regarding said Motion the Court finds:

(1) That service of the Notice of Hearing and Order setting hearing on said motion for private sale of real and personal property free and divested of liens of the above-named Respondents, was effected on the following secured creditors whose liens are recited in said Motion for sale, viz:

DATE OF SERVICE

April 13, 2015

NAME OF LIENOR AND SECURITY

Indiana County Tax Claim Bureau
Attn: Frank E. Sisko, Jr., Director
825 Philadelphia Street

Indiana, PA 15701

Delinquent year, if any, real estate taxes.

April 13, 2015

Township of Burrell
Attn: Ray Anthony Distefano, Chairman
321 Park Drive
P.O. Box 483
Blacklick, PA 15716

Delinquent year, if any, real estate taxes.

April 13, 2014

Marion Center Bank
Attn: George P. Karlheim, President
1271 Indiana Springs Road, PO Box 130
Indiana, PA 15701

Mortgage on real property located at 186 Perfetti Lane, Blairsville, PA; UCC-1 Financing Statement(s) securing *inter alia* equipment and fixtures.

April 13, 2014

Indiana County
Attn: Rodney D. Ruddock, Chairman
825 Philadelphia St.
Indiana, PA 15701

Delinquent year, if any, real estate taxes.

April 13, 2014

Blairsville-Saltsburg School District
Attn: Dr. Tammy Whitfield, Superintendent
102 School Lane
Blairsville, PA 15717

Delinquent year, if any, real estate taxes.

(2) That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the Movant as shown by the certificate of service duly filed and that the named parties were duly served with the Complaint/Motion.

(3) That said sale hearing was duly advertised in the Indiana Gazette on May 3, 2015 and in the Indiana County Legal Journal on May 7, 2015, as shown by the Proof of Publications duly filed. Said sale was also listed on the Court's EASI system.

(4) That at the sale hearing no higher offers were received and no objections to sale were made which would result in cancellation of said sale.

(5) That the price of \$ 800,000.00 offered by PGD II is a full and fair price for the property in question.

(6) That the purchaser is acting in good faith with respect to the within sale in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F.2d 143 (C.A. 3, 1986).

IT IS ORDERED, ADJUDGED AND DECREED that the private sale by the Bankruptcy Estate/ Debtor-In-Possession's special warranty deed of the real property described in the Motion as 186 Perfetti Lane, Blairsville, Indiana County, Pennsylvania 15717, Tax Map I.D. Nos. 10-007-136 and 10-007-130.02 as described in the Motion is hereby confirmed to PGD II for \$ * 800,000.00, free and divested of the liens herein described; and, that the Debtor-In-Possession, Perfetti Trucking, Inc., shall make, execute and deliver to the purchaser above named the necessary deed(s) and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale.

IT IS FURTHER ORDERED, that the above recited liens and claims, be, and they hereby are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims; and, that after due notice to the claimants and lien creditors, and no objection on their parts having been made, the incidental and related costs of sale and of the within bankruptcy proceedings, shall be paid in advance of any distribution to said lien creditors.


FURTHER ORDERED, that applicable real estate taxes and ordinary closing costs, municipal lien claims, including the realtor commission approved by the Court in the amount of \$ N/A, shall immediately be paid at closing¹. Failure of the closing agent to timely make disbursements required by this Order will subject the closing agent to monetary sanctions after notice and hearing.

¹ Real estate taxes shall be paid in accordance with the terms of the Motion to Sell.

FURTHER ORDERED that the Movant shall serve a copy of the within Order on each respondent (i.e. each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for the debtor, the purchaser, and the attorney for the purchaser, if any, and file a certificate of service.

FURTHER ORDERED that closing shall occur within thirty (30) days of this Order and the Movant shall file a report of sale within ten (10) days following closing.

FURTHER ORDERED that this Confirmation Order survives any dismissal or conversion of the within case.


GREGORY L. TADDONIO
U.S. Bankruptcy Judge

FILED
5/20/15 3:48 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA